



S. Lynn Aughtry  
SCANA Services, Inc., MC-130  
Columbia, SC 29218  
803-217-9329  
saughtry@scana.com

January 23, 2006

**TRANSMITTED VIA EMAIL**

Mr. Robert B. Kelly  
800 MHz Transition Administrator  
c/o Squire, Sanders & Dempsey L.L.P.  
1201 Pennsylvania Avenue, NW  
Washington, DC 20044  
Email: elections@800TA.org

Ref: EA Licensee Election and Supporting Documentation  
SCANA Services, Inc.

Dear Mr. Kelly:

Per your request, please find EA Election and supporting documentation required from SCANA Services, Inc. regarding the matter referenced above.

Feel free to contact me if you need additional information.

Sincerely,

S. Lynn Aughtry  
Senior Contract Analyst  
SCANA Legal Department

Enclosures

## Supporting Documentation

### Contact Information:


C. Steve Davis  
Spectrum Coordinator  
SCANA Services, Inc.  
(803) 217-6385 (phone)  
(803) 933-8611 (fax)  
[csdavis@scana.com](mailto:csdavis@scana.com)

### Call Signs for all relevant licenses cross-referenced by EA:


BEA	Call Sign	Frequency	Location
BEA027	WQBN695	859.1125	Augusta, GA and Aiken, SC
BEA028	WQBN696	859.1125	Savannah, GA
BEA041	WQBN697	859.1125	Greenville, Spartanburg, Anderson, SC

### Statement of Election:

SCANA Services, Inc. wishes to remain in the ESMR Band on frequency 859.1125 MHz in the BEAs listed above. ***However, this frequency will be used in a non-commercial internal capacity and on an EA basis pursuant to a waiver (attached) received from the Federal Communications Commission allowing us to continue non-ESMR operations.***

By:   
C. Steve Davis  
SCANA Services, Inc.  
Spectrum Coordinator

Sworn to before me this 23<sup>rd</sup> day of January, 2006.

 (L.S.)  
(Notary Public for)  
My commission expires: December 12, 2007



Federal Communications Commission  
Washington, D.C. 20554

August 18, 2004

Charles S. Davis  
Spectrum Coordinator  
SCANA Corporation  
1426 Main Street, Mail Stop 136  
Columbia, South Carolina 29218

RE: FCC File No. 0001622318

Dear Mr. Davis:

This letter responds to the request for waiver ("Waiver Request") filed on behalf of SCANA Corporation ("SCANA") and Nextel License Holdings 1, Inc., a wholly-owned subsidiary of Nextel Communications, Inc. ("Nextel"), in connection with the above-referenced application for disaggregation of certain frequencies from specified 800 MHz Block K "Lower 80" Basic Economic Area authorizations. Specifically, SCANA seeks waiver of section 90.617(d) of the Commission's rules<sup>1</sup> to permit the disaggregated 800 MHz frequencies to be assigned to SCANA to be used to provide private, non-commercial services and to be classified as Private Mobile Radio Service ("PMRS") rather than Commercial Mobile Radio Service ("CMRS"). SCANA's proposed use includes operation in support of its utility operations. For the reasons explained below, we grant waiver of section 90.617(d) and will permit SCANA to operate the assigned 800 MHz frequencies as PMRS upon grant of the above-referenced application.

Section 90.617(d) of the Commission's rules provides that the lower 80 Specialized Mobile Radio ("SMR") channels, including the subject frequencies that Nextel seeks to assign to SCANA, "are available only to eligibles in the SMR category which consists of Specialized Mobile Radio (SMR) stations and eligible end users."<sup>2</sup> The FCC defines "SMR" as "a radio system in which licensees provide land mobile communications services (other than radiolocation services) in the 800 MHz and 900 MHz bands on a commercial basis to entities eligible to be licensed under this part."<sup>3</sup> Section 90.617(d) therefore prohibits the use of the lower 80 SMR channels for private, non-commercial, internal operations.

Pursuant to section 1.925 of the Commission's rules, waiver may be granted if the petitioner establishes that: (1) the underlying purpose of the rule would not be served or would be frustrated by application to the instant case, and that grant of the waiver would be in the public interest; or (2) where the petitioner establishes unique or unusual factual circumstances,

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<sup>1</sup> 47 C.F.R. § 90.617(d) (2003).

<sup>2</sup> *See id.*

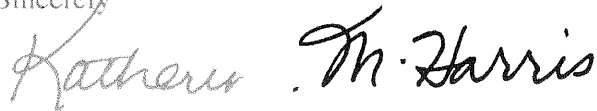
<sup>3</sup> *See* 47 C.F.R. § 90.7 (2003).

application of the rule would be inequitable, unduly burdensome, or contrary to the public interest, or the applicant has no reasonable alternative.<sup>4</sup>

The proposed assignment of the disaggregated frequencies is part of a frequency swap between Nextel and SCANA pursuant to which SCANA will give up a number of site-specific frequencies for the geographic area licensed frequencies that are the subject of this application.<sup>5</sup> In support of its waiver request, SCANA asserts that waiver of section 90.617(d) is warranted to permit SCANA to expand its coverage and increase its operational flexibility.<sup>6</sup> Specifically, SCANA states that grant of this waiver would permit it to "enhance its provision of vital real-time communications between its headquarters and field crews that service infrastructure providing electricity and gas to over one million customers," which would have a direct and beneficial impact on the safety and efficiency of its utility functions.<sup>7</sup>

We find that SCANA has offered unique factual circumstances, thereby warranting waiver of section 90.617(d) of our rules.<sup>8</sup> Specifically, SCANA has demonstrated in its waiver request that grant of the subject licenses would enhance SCANA's ability to provide safe and efficient utility services to the public. Operation on the geographic area frequencies will enable SCANA to more efficiently and effectively use the spectrum in support of its provision of critical utility services. Accordingly, we find that it is in the public interest to grant the waiver request.

Sincerely



Katherine M. Harris  
Deputy Chief, Mobility Division  
Wireless Telecommunications Bureau

cc: Robin J. Cohen

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<sup>4</sup> 47 C.F.R. § 1.925 (2003).

<sup>5</sup> Waiver Request at 3.

<sup>6</sup> Waiver Request at 2.

<sup>7</sup> Waiver Request at 4.

<sup>8</sup> By this letter, we waive only section 90.617(d) of the rules, 47 C.F.R. § 90.617(d), to the extent necessary to permit SCANA to operate on the subject frequencies on a PMRS basis. SCANA will be permitted to hold the subject authorizations but will be required to comply with all other rules associated with the subject authorizations unless it obtains a separate waiver.

February 19, 2004

Licensing and Technical Analysis Branch  
Mobility Division  
Wireless Telecommunications Bureau  
Federal Communications Commission  
1270 Fairfield Road  
Gettysburg, PA 17325

**Re:** SCANA Corporation and Nextel License Holdings 1, Inc.  
FCC Form 603 for Relocation of 800 MHz Channels

**Explanation of the Transaction And, If Required,  
Request for Waiver of Section 90.617 to Permit the use of Economic Area  
“Lower 80” SMR Licenses for Private Mobile Radio Service Operations**

Dear Sir or Madam:

SCANA Corporation (“SCANA”) and Nextel License Holdings 1, Inc., a wholly-owned subsidiary of Nextel Communications, Inc., (collectively “Nextel”) jointly hereby respectfully request that the Federal Communications Commission (“Commission”) grant the associated application to disaggregate and assign four frequencies (856-859.1125 MHz) from five 800 MHz Block K “Lower 80” Basic Economic Area (“EA”) Licenses and one frequency (856.1125 MHz) from one additional 800 MHz Block K “Lower 80” EA license as specified in the associated application, from Assignor Nextel to Assignee SCANA for Private Mobile Radio Service (“PMRS”).<sup>1</sup> This transaction represents a *voluntary relocation agreement* between 800 MHz incumbent SCANA and EA licensee Nextel.

Out of an abundance of caution, SCANA and Nextel also respectfully request that the Commission waive any restriction contained in Section 90.617(d) of its Rules, 47 C.F.R. §90.617(d), to permit the 800 MHz EA licenses assigned to SCANA to be used to provide private, non-commercial services and to be classified as PMRS rather than CMRS for regulatory purposes.

Additionally, an FCC Remittance Advice Form 159 and payment via credit card in the amount of \$150.00, is attached to this request for the requisite rule waiver fee.

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### **Explanation of the Transaction**

SCANA provides PMRS communications to support its affiliated electric and natural gas utility services throughout South Carolina and adjacent states. SCANA serves over 560,000 electricity customers and nearly 670,000 gas customers in South Carolina and neighboring states. Nextel currently provides commercial mobile radio service ("CMRS") in some 400 cities in the U.S. serving over eleven million subscribers, and is one of at least six CMRS providers with a national footprint.<sup>2</sup> Nextel has invested more than \$7 billion to establish a national digital network to provide a full range of wireless communications services in competition with other CMRS providers. Nextel's digital CMRS service integrates in a single mobile handset a digital dispatch service (known as Nextel Direct Connect<sup>(sm)</sup>) with interconnected mobile telephone service, Internet access, short messaging and mobile data service.<sup>3</sup> By offering this integrated package of services, Nextel has become a significant competitor to the established CMRS carriers throughout the U.S. and continues to compete successfully in the provision of CMRS services.

SCANA and Nextel have entered into a Frequency Relocation Agreement ("Agreement") solely for the exchange or "swap" of frequencies. SCANA is the licensee of many site-specific 800 MHz stations throughout South Carolina, while Nextel holds a number of 800 MHz EA licenses covering SCANA's service area. Pursuant to the Agreement, SCANA will swap the site-specific frequencies listed in Exhibit 1 for the six disaggregated EA licenses described above. In addition, via a separate application Nextel will provide SCANA with an 800 MHz frequency at three site-specific locations.<sup>4</sup>

The proposed transaction provides mutual benefits to both SCANA and Nextel. SCANA would acquire the wide area coverage and the flexibility provided by six EA licenses encompassing its entire service area. Moreover, SCANA would benefit from the elimination of the operational restrictions and regulatory burdens of filing for and maintaining numerous site-specific licenses throughout its territory. Nextel would acquire multiple site-specific licenses in the General Category Block D (851.0125–851.6125 MHz) as well as Business and Industrial/Land Transportation ("B/ILT") frequencies throughout South Carolina. In return, Nextel would benefit by eliminating incumbent site-specific licenses within its Block D EA licenses for EA 026 (Charleston-North Charleston) and EA 028 (Savannah), and by expanding its footprint on the Block D frequencies in the some parts of South Carolina. Further, pursuant to Section 90.621(e)(2) of the Commission's rules, 47 C.F.R. § 90.621(e)(2), Nextel would convert the subject B/ILT frequencies for commercial use and expand its footprint on these frequencies in certain areas of South Carolina.

### **Request for Waiver**

SCANA and Nextel hereby request a waiver of FCC Rule Section 90.617(d), and such other rules as may be necessary, to permit SCANA to take assignment of the referenced EA licenses operating on the specified Lower 80 Specialized Mobile Radio

("SMR") channels to provide private, non-commercial, internal communications.

Although it appears that the FCC has anticipated that both SMR and non-SMR EA licensees on the Lower 230 SMR channels could be classified as PMRS licensees,<sup>5</sup> Section 90.617(d) indicates that the Lower 80 SMR channels, including Nextel's 800 MHz Block K channels, "are available only to eligibles in the SMR category."<sup>6</sup> Because the FCC defines "SMR" as "[a] radio system in which licensees provide land mobile communications services . . . on a commercial basis,"<sup>7</sup> Section 90.617(d) appears to prohibit the use of Lower 80 SMR channels for private, non-commercial, internal operations.

Section 1.925(b)(3) of the FCC's Rules, provides that the FCC may grant a waiver upon a showing that:

- (1) the underlying purpose of the rule(s) would not be served or would be frustrated by application to the instant case, and that a grant of the requested waiver would be in the public interest; or
- (2) in view of unique or unusual factual circumstances of the instant case, application of the rule(s) would be inequitable, unduly burdensome or contrary to the public interest, or the applicant has no reasonable alternative.<sup>8</sup>

SCANA and Nextel submit that this request for waiver meets these standards and should be granted.

As set forth above, SCANA and Nextel have crafted a voluntary spectrum exchange agreement that will enable each of them to meet their unique and critical spectrum needs in South Carolina. The parties will only be able to realize the benefit of this transaction, however, if SCANA is able to use the spectrum it will receive in the transaction on a non-commercial basis to support its utility activities. Conversely, applying 90.617(d) so as to preclude SCANA from licensing and using the spectrum in this fashion would be contrary to the public interest. Specifically, a denial of the requested waiver would deprive SCANA of needed expanded coverage and the increased operational flexibility and administrative efficiency that would be available with the requested EA licenses.

SCANA is a \$5 billion energy-based holding company whose business includes regulated electric and natural gas utility operations and other energy-related businesses. SCANA's principal subsidiary, South Carolina Electric & Gas Company ("SCE&G"), is South Carolina's largest utility. SCE&G provides electric service to more than 502,000 customers in the central, southern, and southwestern portions of the state. It is the state's largest retail supplier of natural gas as well, with more than 250,000 customers throughout a 19,000-square-mile service area. Through other electric and gas utility affiliates, SCANA serves a total of over 560,000 electricity customers and nearly 670,000 gas customers in South Carolina and neighboring states. Another SCANA subsidiary, South Carolina Pipeline Corporation, is engaged in the purchase, transmission and sale of

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natural gas to commercial, industrial and wholesale customers. SCANA seeks to operate these licenses to enhance its provision of vital real-time communications between its headquarters and field crews that service infrastructure providing electricity and gas to over one million customers. SCANA's extensive 800 MHz system and its system needs are unique and have a direct impact on the safety and efficiency of its utility functions. Granting the waiver would thus yield a significant benefit for SCANA's customers as well as for the public at large. SCANA has no reasonable alternative means of securing this benefit, and the waiver is warranted in this case.

The requested waiver is also appropriate given that it will not frustrate the rule's underlying purpose, which is to assure that demand for SMR service is adequately met.<sup>9</sup> In entering this transaction, SCANA and Nextel have each conducted an analysis to identify the spectrum most suited to meeting their current needs. The exchange will enable each of them to access this spectrum, which would not otherwise be available to either of them, and thus will promote the delivery of SMR service in the affected area.

The FCC has encouraged market-based, voluntary relocation arrangements to permit EA licensees to consolidate their control over spectrum in a given geographic area. This relocation will enable Nextel to eliminate incumbent site-specific licenses that it currently has to protect within its Block D EA licenses for EA026 (Charleston-North Charleston) and EA028 (Savannah) and expand its footprint on the Block D frequencies in some parts of South Carolina. Further, pursuant to section 90.621(e)(2) of the FCC's rules, Nextel would convert the subject Business and I/LT frequencies to commercial use and expand its footprint on those frequencies in certain areas of South Carolina.

### Conclusion

For the reasons discussed above, SCANA and Nextel have shown that the grant of the proposed assignment of six Block K EA licenses to SCANA is in the public interest and otherwise consistent with the FCC's policies. Further, if the FCC determines that a waiver is required, SCANA and Nextel have demonstrated that a waiver permitting SCANA to operate Block K EA licenses on a private, non-commercial, internal basis does not undermine the underlying purpose of the FCC's rules and serves the public interest by supporting the transition to geographic area licensing in the 800 MHz band.

Respectfully submitted,

 2/19/2004

Charles S. Davis  
Spectrum Coordinator  
SCANA Corporation  
1426 Main Street  
Columbia, SC 29218  
803-217-6385 phone  
803-217-8904 facsimile



***On behalf of SCANA Corporation***

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Robin J. Cohen  
Manager, Regulatory  
Nextel Communications  
2001 Edmund Halley Drive  
Reston, VA 20191  
703-433-4211 phone  
703-433-4035 facsimile

***On behalf of Nextel Communications***

<sup>1</sup> The six EA licenses are: WPSC393 (Greenville-Spartanburg-Anderson, SC-NC), WPSC379 (Columbia, SC), WPSC 380 (Wilmington, NC-SC), WPSC381 (Charleston-North Charleston, SC), WPSC382 (Augusta-Aiken, GA-SC) and WPSC383 (Savannah, GA-SC).

<sup>2</sup> See *In the Matter of Implementation of Section 6002(b) of the Omnibus Budget Reconciliation Act of 1993*, Eighth Report, FCC 03-150, WT Docket No. 02-379, ¶ 40 (released July 14, 2003) ("Eighth CMRS Competition Report").

<sup>3</sup> Nextel's Direct Connect is a significant advancement over traditional analog dispatch services because it expands the typical dispatch service coverage area, uses the spectrum more efficiently, and provides extra security through the use of digital technology.

<sup>4</sup> The three locations and frequencies are: Santuc, SC, 856.1125 MHz; Abbeville, SC, 856.1125 MHz; and Chesterfield, SC, 857.5125 MHz.

<sup>5</sup> In re Amendment of Part 90 of the Commission's Rules to Facilitate Future Development of SMR Systems in the 800 MHz Frequency Band, PR Docket No. 93-144, *Memorandum Opinion and Order on Reconsideration*, 14 FCC Rcd 17556,17576 ¶ 35 (1999).

<sup>6</sup> 47 C.F.R. § 90.617(d) (2002).

<sup>7</sup> *Id.* § 90.7.

<sup>8</sup> *Id.* §1.925(b)(3).

<sup>9</sup> *Memorandum Opinion and Order on Reconsideration*, 14 FCC Rcd 17556,17576 ¶ 34 (1999).